

VIDEOCONFERENCING AND THE KENTUCKY GENERAL ASSEMBLY



**Report of the Subcommittee on Teleconferencing
Interim Joint Committee on State Government
(1998 Senate Resolution 176)**

Research Report No. 287

LEGISLATIVE RESEARCH COMMISSION
Frankfort, Kentucky
November 1999

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Interim Joint Committee on State Government
(1998 Senate Resolution 176)**

Senator Julie Rose, Co-Chair
Representative Jimmie Lee, Co-Chair
Senator David Karem
Senator Alice Kerr
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FOREWORD

Senate Resolution 176 of the 1998 Kentucky General Assembly requested the formation of a subcommittee of the Interim Joint Committee on State Government to study teleconferencing of legislative meetings and chamber activity. Consequently, a Subcommittee on Teleconferencing was formed, and it proceeded to meet six times over the 1998-1999 interim to examine the issues involved and to make recommendations. This report summarizes the activities of the subcommittee, and sets forth recommendations for the cautious expansion of the use of teleconferencing by suggesting a pilot project for the 2000-2001 interim. A complete description of the work of the subcommittee follows.

The minutes of the meetings of the Subcommittee on Teleconferencing can be obtained from the Legislative Research Commission Library, New Capitol Annex, Frankfort, KY 40601.

The following LRC employees provided staff assistance to the Subcommittee on Teleconferencing: Clint Newman, Lowell Atchley, John Cook, Mac Lewis, Bill Phelps, Wanda Turley, and Rita Ratliff. The Subcommittee also appreciates the assistance of Jim Swain, Tim Lowry, and the Office of Computer and Information Technology staff.

Robert Sherman
Director

The Capitol
Frankfort, Kentucky
October, 1999

VIDEOCONFERENCING AND THE KENTUCKY GENERAL ASSEMBLY

Report of the Subcommittee on Teleconferencing Interim Joint Committee on State Government

Introduction

When American scientist and educator Alexander Graham Bell patented his amazing telephone in 1876, it would have been beyond his wildest dreams to envision that those same telephone lines would eventually be used to transmit video pictures as well as sound. Even more unimaginable would be the suggestion that the Kentucky General Assembly would use telephone lines to enable members and guests to attend legislative meetings from remote sites in Kentucky, rather than to physically travel to the seat of government, our Capitol in Frankfort, Kentucky. Technological advances have turned the unimaginable into reality. This Report will examine the potential use of videoconferencing by the Kentucky General Assembly.

1998 Senate Resolution 176

1998 SR 176 (Appendix A) requested that the Interim Joint Committee on State Government form a subcommittee to study the feasibility and cost-effectiveness of using teleconferencing to conduct interim and standing committee meetings and session chamber activities. The Committee was to report its findings and recommendations to the Legislative Research Commission no later than September 1, 1999. The study completion date was later extended by LRC to the end of the 1998-99 interim.

Consequently, the Legislative Research Commission appointed a Subcommittee on Teleconferencing to conduct a study of the use of teleconferencing by the Kentucky General Assembly. The Subcommittee met six times over the course of the interim. It soon became evident to the Subcommittee that the topic for study should more properly be called "videoconferencing", as opposed to "teleconferencing", the term used in the Resolution. "Tele" implies the use of a telephone, and voice communications only. "Video" is more descriptive, since it makes it clear that the Subcommittee is to study more than just listening and participating in meetings by telephone. The directive is to study technology involving live pictures and voice, where members can see and hear each other as meetings are conducted. Therefore, all future references to the topic in this report will be termed "videoconferencing."

After being briefed on the relatively short history of the use of videoconferencing by the Kentucky General Assembly, after learning about and witnessing demonstrations of the latest videoconferencing technology, and after surveying Kentucky General Assembly members and the legislatures of other states (all to be discussed at length in this report), the Subcommittee decided to recommend that the General Assembly move forward with the use of videoconferencing, but to do so with caution.

Recommendations of the Subcommittee on Teleconferencing

The Subcommittee on Teleconferencing of the Interim Joint Committee on State Government finds that videoconferencing, under certain conditions, is a viable means of conducting meetings of all kinds, and is under-utilized by the Kentucky General Assembly. It is a technology that is continually and rapidly improving, and has the potential of being an even more useful, if not essential, tool of both business and government. Although its use by the General Assembly should be expanded, the legislature should be cautious and deliberate in adapting to the new technology. Therefore, the Subcommittee on Teleconferencing recommends the following:

- The Legislative Research Commission (LRC) should implement a single pilot project using videoconferencing technology.
- LRC should designate one subcommittee, preferably a subcommittee that does not meet on the same day as its parent Interim Joint Committee, to make available up to five videoconferencing sites throughout the Commonwealth that can be used by subcommittee members to attend meetings, in addition to the primary videoconferencing site in Frankfort.
- Subcommittee members should have the option of attending the subcommittee meeting at a remote site of their choosing, or by travel to the primary meeting site in Frankfort. Members should, however, indicate their preference for attending the remote meeting locations in time for necessary preparations to be made.
- Subcommittee members and LRC staff should receive appropriate training before remote meetings are convened.
- Subcommittee meetings should be scheduled and remote videoconferencing sites should be reserved well in advance of subcommittee meetings.
- All requirements of Kentucky's Open Meetings and Open Records laws should be observed at all meeting sites.
- The "pilot project" subcommittee should communicate regularly with the Interim Joint Committee on State Government and LRC regarding their experience with holding meetings via videoconferencing, and should offer its recommendation as to whether videoconferencing should be expanded to other meetings.
- The "LRC Policy on Intramembership Videoconferenced Committee Meetings," which permits committees to conduct videoconferenced meetings under certain conditions, should be re-adopted for the 2000-2001 Interim.
- Interim Committees should be encouraged to use videoconferencing to bring in expert testimony from witnesses who would otherwise have to travel great distances, resulting in greater convenience for the witnesses, and savings of travel expenses.
- The Director of the Legislative Research Commission should direct appropriate staff to keep abreast of improvements in videoconferencing technology, and to make periodic reports to the Interim Joint Committee on State Government.

History of Legislative Research Commission Videoconferencing

The Legislative Research Commission installed a video conference system in Room 131 of the Capitol Annex in March of 1994. The LRC video conference system enables the Kentucky General Assembly to connect into the Kentucky Tele-Linking Network (KTLN) through the Division of Information Systems, located in Frankfort. Through KTLN, national and international video conferences are also possible, through access to the Sprint video conference network. The Sprint network allows, literally, for world-wide videoconferencing. In June, 1995, the Legislative Research Commission added a downlink satellite dish to the video conference system. This satellite receiving dish enables LRC to have access to a large volume of educational and informational programming. It is able to receive all Ku band and C band signals. This programming has been used a number of times for staff training and has been used for training sessions by other state agencies. The majority of the sessions used so far have come through the facilities of PBS. In 1998 this system was upgraded to allow receipt of digital transmissions.

The video conference room has five ceiling-mounted 25-inch monitors, one 13-inch monitor mounted under the testimony table (viewable through a glass in the table-top) and a monitor in the control cabinet.

The room is equipped with two fully automatic cameras (one on each side of the room, pointed toward the members' seats), and one fixed unit (focused on the witness table). The system has the ability to display slides, run and record video and set up charts and graphs on the system. The video conference is a V Tel system with a mediamax 486 based codec, with pen pal graphics, picture in picture option, smart cams, and V Tel document camera with stand. An audio bridge in the system enables the system to connect by telephone when video connections are not possible. Through the audio bridge members can still receive information from persons unable to make the trip to Frankfort, or let those unable to attend to listen in on the meeting.

The first video conference was conducted on March 14, 1994, for the Labor and Industry Committee. The committee was connected to four sites, Owensboro, Paducah, Ashland, and Hazard, from which the Committee received testimony in regards to the issue of Workers' Compensation. There were eight video conferences during the first year, including a conference in December for the Business Organizations and Professions Committee. This conference also utilized four sites and dealt with charitable gaming. Additionally, in 1994 and 1995, the system was used by the Task Force on Domestic Violence on five different occasions, using varying degrees of the technology. The audio bridge was used both during the hearings on concealed weapons and domestic violence.

Video conferences were utilized eight times in 1994, seventeen times in 1995, four times in 1996, 39 times in 1997 (although 33 of these times were for other than legislative committees), seven times in 1998, and seven times through October 6, 1999. Since the LRC video conference room was established, it has been used 40 times for satellite downlinks. These statistics do not reflect the times when the facilities have been used for slides or graphics presentations (such as Powerpoint) to committees or for the showing of training or issue-related videos or miscellaneous usage. A good argument can be made that the advanced technology and videoconferencing capability available in the LRC Teleconferencing Room has been under-utilized by the Kentucky General Assembly committee system.

The Kentucky Tele-Linking Network (KTLN)

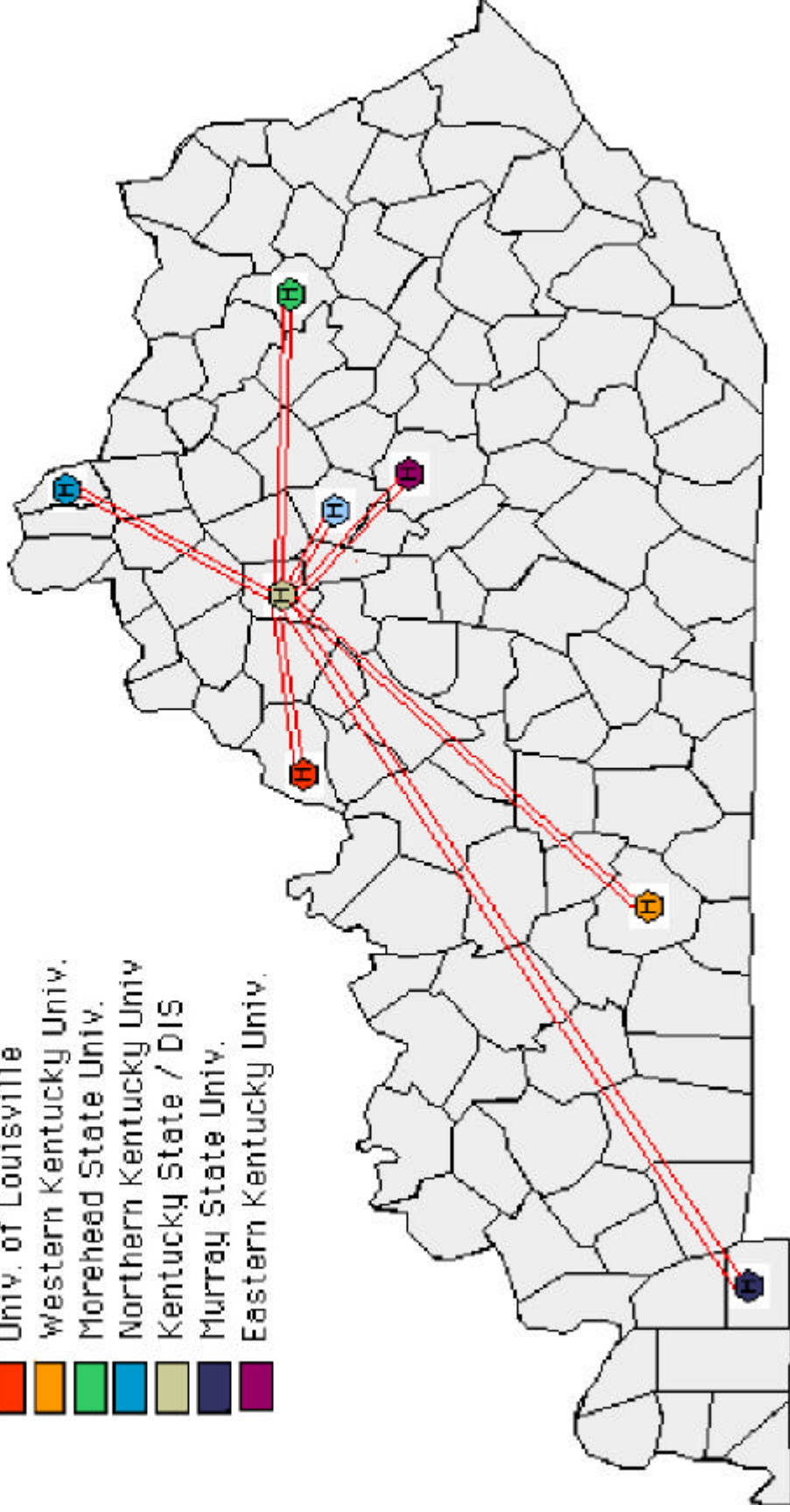
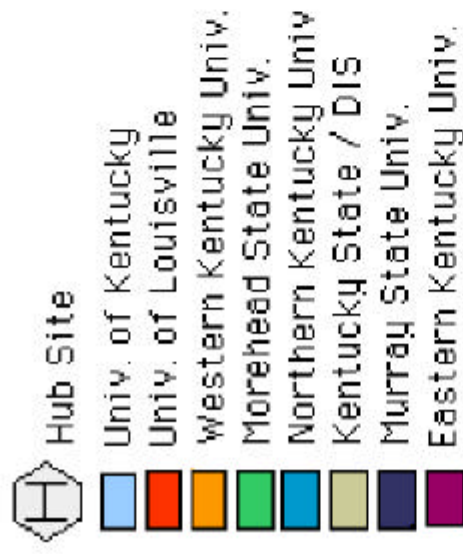
The Kentucky Tele-Linking Network is comprised of eight video networks (hub sites). These hub sites are located with the Division of Information Systems/Kentucky State University, University of Kentucky, University of Louisville, Western Kentucky University, Morehead State University, Northern Kentucky University, Murray State University and Eastern Kentucky University. Through these hub locations, there are now over 160 KTLN video conference sites available in Kentucky.

The KTLN was originally designed as a means of extending the campuses of our state universities. Sites have been added to accommodate the needs of our K-12 public schools, and state agencies. The KTLN network switching equipment and scheduling is handled by the Finance and Administration Cabinet's Department of Information Systems. Coordination of KTLN sites and fiscal management are handled by Kentucky Educational Television in Lexington.

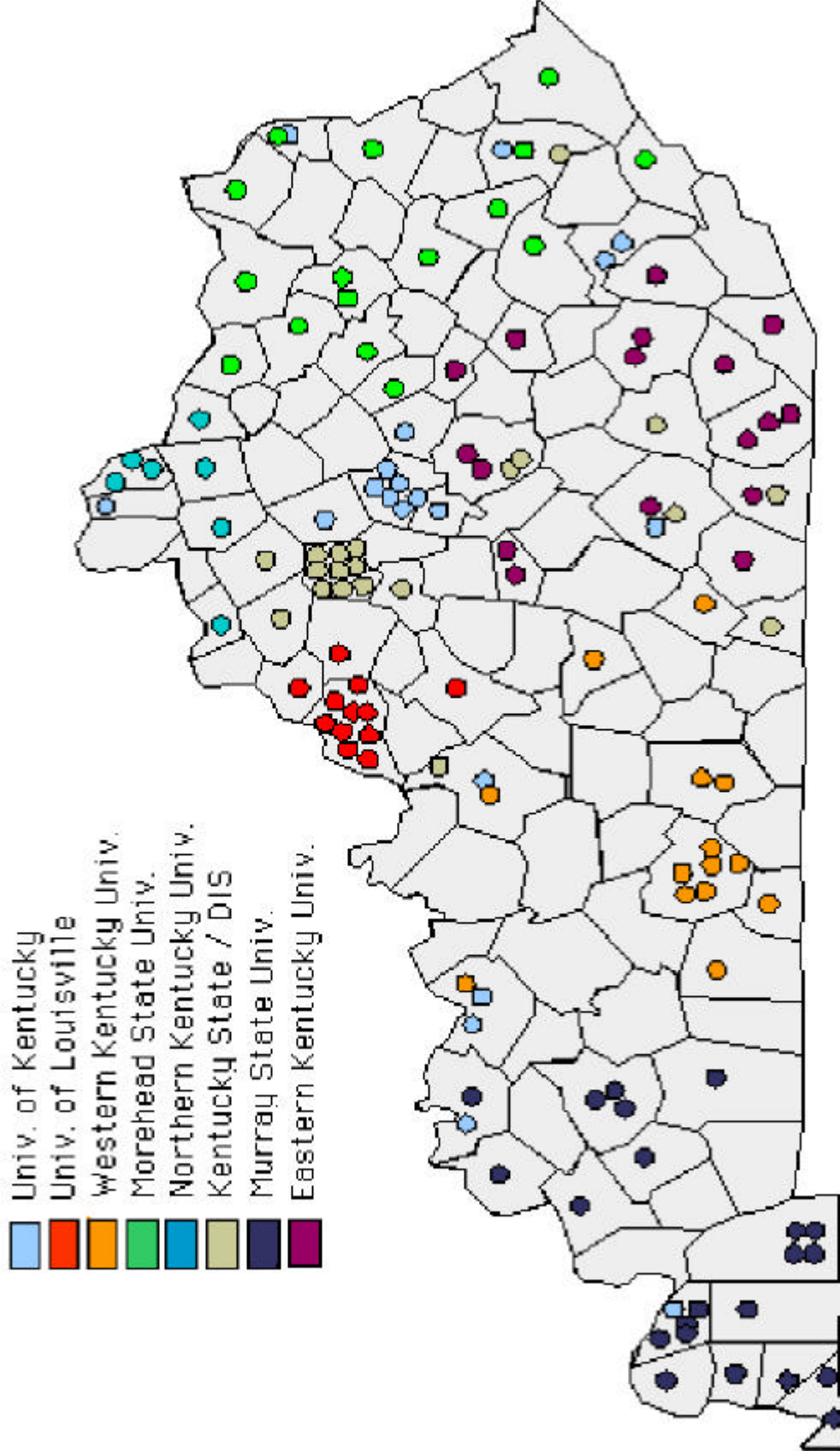
The following two maps show the distribution of KTLN hubs and individual videoconferencing sites throughout the Commonwealth. It is evident that there is a KTLN site relatively close to most Kentucky communities, and, consequently, close to most members of the General Assembly.

Note: For additional information on the Kentucky Tele-Linking Network, please see the following Internet addresses: <<http://www.ket.org/KTLN>>, <<http://www.state.ky.us/agencies/emgtech/video0.htm>>

KTLN HUB SITES



KTLN SITES BY HUB



LRC Policy on Intramembership Videoconferenced Committee Meetings, Pilot Project for the Current Interim

With the LRC Teleconferencing Room becoming operational in 1994, and with the KTLN operational as a communications network, the Legislative Research Commission realized the need for a policy on teleconferenced meetings. At its April 2, 1997 meeting, an "LRC Policy on Intramembership Videoconferenced Committee Meetings, Pilot Project for the Current Interim" (Appendix B) was adopted. Although the policy has not been actually re-adopted for subsequent interims, it is considered to still be in effect.

The LRC policy on videoconferencing specifically authorized videoconferenced meetings of interim committee meetings, but set limits and conditions that had to be met, and required authorization of the meetings by the Legislative Research Commission. The more important components of the policy are briefly summarized as follows:

1. Meetings must be approved by LRC upon the request of committee co-chairs;
2. Maximum number of sites is five;
3. Only two videoconferenced meetings per committee per interim, subcommittee meetings counting toward maximum number of meetings;
4. LRC committee staff and committee staff secretary are to be at Frankfort site, and if the Chair attends via a remote site, LRC staff must also be at the remote site;
5. Public notice of meeting sites required; all meetings to be open to the public;
6. Roll call votes required (no voice voting).

1994 Amendments to Kentucky's "Open Meetings" Laws

With the LRC Teleconferencing Room being installed and the LRC Videoconferencing Policy being adopted in 1994, the 1994 General Assembly amended the "Open Meetings" law to recognize videoconferencing of state government meetings (Appendix C). The amendments authorize public agency meetings to be held via "video teleconference" (another term for teleconference or videoconference), and: (1) Require that notices clearly state that the meeting will be a video teleconference; (2) Require that notices identify the video teleconference locations and a primary location, if applicable; (3) Impose the same procedures regarding participation, distribution of materials, and other matters to video teleconferences as for any other meeting; and (4) If an interruption of the broadcast at any location occurs, require that the video teleconference be suspended until the broadcast is restored.

Use of Videoconferencing During the 1998 Kentucky General Assembly Session

Shortly prior to the 1998 Session, it became evident that a Senator would make history by becoming the first Kentucky legislator to give birth during a Session of the Kentucky General Assembly. Not wanting to miss any General Assembly action or votes while recuperating at home after the baby was born, the Senator sought to participate in Session meetings and to vote on the floor via a videoconference from her home in Louisville, Kentucky.

Attorney General's Opinion OAF 97-37

An Attorney General's Opinion was requested (Appendix D) by the Director of the Legislative Research Commission, asking whether a legislator may participate in floor proceedings during a Session by videoconference.

The answer was "no", based on a Kentucky case which held that municipal legislative bodies may not vote by telephone, and based on Sections 37 and 43 of the Kentucky Constitution. The Attorney General held that the quorum provision of Section 37 requires that a member be actually present at the Session in order to be counted for quorum purposes, and that a phrase which authorizes each House to "compel the presence of absent members" implies that an actual presence is necessary. Additionally, the Attorney General found that Section 43, which grants General Assembly members a privilege from arrest during their attendance of legislative Sessions, is patently inconsistent with a constructive presence by videoconference.

The Attorney General did not opine on participating in Session committee meetings via videoconference, it being understood that this was a matter which fell within the jurisdiction of the rules of the Senate and House of Representatives.

1998 Senate Resolution 21

1998 Senate Resolution 21 (Appendix E). proposed to amend Senate rules to permit a member of the Senate to participate and vote in committee meetings and vote via videoconference if the member experiences a short-term physical condition that prevents the member from traveling to Frankfort. A physician's statement is required, the illness or incapacity must prevent travel for at least one, but not more than four weeks, the member must pay all expenses, and the Rules Committee must approve the member's request for a videoconferencing connection. The Resolution was adopted 28-4 on January 12, 1998, and the Senator took steps to install videoconferencing equipment in her home. The Senator made newspaper headlines nationally, and was visited by local television news as she rested at her home, and attended several meetings by way of videoconference. The Senator was also able to watch (but not participate in) Senate floor action by means of a Kentucky Educational Television feed transmitted over the telephone lines installed for videoconferencing.

1998 Senate Bill 329

1998 Senate Bill 329 (Appendix F) proposed an amendment of the Kentucky Constitution, Section 46, to permit a member of the General Assembly who has a physician-certified temporary physical condition to participate, make motions, and vote on bills before the General Assembly by videoconference. The Bill was referred to the Senate State and Local Government Committee, but was never considered by the committee.

Subcommittee on Teleconferencing Deliberations

Videoconferencing

The Subcommittee on Teleconferencing, after organizational meetings and the development of a rough work-plan, devoted an entire meeting to a demonstration of the LRC Teleconferencing Room and the Kentucky Tele-Linking Network (KTLN). This session was conducted by the Director of the Telecommunications Division and Network Services of the Department of Information Systems (IDs), and the Director of the Kentucky Tele-Linking Network and Program Operations of Kentucky Educational Television, who was present via remote videoconferencing site at the Lexington Community College.

The previously described videoconferencing system worked well, with good audio and video quality. The speakers suggested that any problems that may be experienced will be mainly logistical in nature, such as finding rooms that are not in use for educational purposes, and scheduling them sufficiently in advance of meetings. Most KTLN videoconferencing rooms charge \$50 per hour. All Kinko's copy centers nationwide have videoconferencing capabilities, although their cost is considerably higher.

Internet Videoconferencing

Internet videoconferencing was also demonstrated to the Subcommittee. Internet videoconferencing differs from traditional videoconferencing in that it sends audio and video over the Internet, utilizing a personal computer, with the video displayed on a computer monitor rather than on a television screen. All that is needed is a reasonably powerful computer, Windows 95 or better, a modem, a sound/video card, a monitor, videoconferencing software, a microphone, a "baseball sized" PC camera, and Internet access. The camera is available for under \$100, and, although other software is available, the demonstration featured Microsoft NetMeeting videoconferencing software, which is free and can be easily downloaded from the Internet. NetMeeting has other collaboration features, which may be useful in communications between staff and legislators, but would have little usage in committee settings.

The demonstration featured a conversation with an LRC staff member located at his home computer in Louisville. The audio/video quality was reasonable, but the picture was not as good as traditional teleconferencing over telephone lines. Internet videoconferencing is a very effective tool for electronic meetings between individuals, but it is not particularly effective in a committee environment. However, more sophisticated software can be purchased, and the technology is continually improving. The progress of Internet videoconferencing should be carefully monitored for possible use.

Internet Broadcasting

Although it is not true videoconferencing, the Subcommittee witnessed a demonstration of Internet broadcasting. Internet broadcasting is simply a means of broadcasting sound and images (one-way) over the Internet. Internet broadcasting of General Assembly meetings or sessions would enable anyone with a personal computer and Internet access, anywhere in the world, to watch and listen to the Kentucky General Assembly in action, *live*. Like Internet videoconferencing, the picture and sound are not "television quality", but the quality is acceptable, and individuals would be afforded the opportunity to actually see and hear General Assembly proceedings. The demonstration featured an Internet broadcast of the Interim Joint Committee on State Government, which was in progress in an adjoining room. A viewer anywhere in the world, with the correct Internet address, could have viewed the same meeting.

Home viewers would need a pentium class personal computer, a 56k modem, a sound/video card, speakers, Internet access, and appropriate software. Microsoft NetMeeting software is free, and easily downloadable from the Internet. Real Audio/Video software is also available, free, via the Internet. If the General Assembly were to broadcast over the Internet, some additional equipment would be required, but the cost would not be prohibitive. The Kentucky Educational Television cameras and equipment could pick up the activities to be broadcast. The LRC Teleconferencing Room could also be utilized to broadcast meetings. It would, however, be expensive for LRC to “archive” (record) meetings to be available for playback on demand by Internet users.

Survey of Kentucky General Assembly Members on Videoconferencing

Kentucky General Assembly members were surveyed on their experience with the use of videoconferencing. (Appendix G) Fifty-nine Kentucky legislators responded. About three fourths of Kentucky legislators have witnessed videoconferencing, and of that number, 17% have used it several times, and 44% have used it a few times. Most of this experience can be attributed to either their legislative or personal business experience. Additionally, committee meetings involving other legislators, educational or training sessions, and committee meetings involving witnesses at a remote location have accounted for most of the situations in which videoconferencing was used.

Although 15% thought that videoconferencing is not very effective as a means of communication, 22% think it is very effective, and 37% think it is somewhat effective (25% did not respond). Levels of satisfaction, generally, mirrored assessments of effectiveness. The four top perceived advantages of videoconferencing are: (1) Reduced travel time (39 responses); (2) Reduction in travel cost (31 responses); (3) Enabled more people to participate (27 responses); and (4) Brought together groups from diverse areas (24 responses).

The top four perceived disadvantages of videoconferencing are: (1) No eye-to-eye contact between participants (30 responses); (2) Loss of informal conversations, camaraderie (26 responses); (3) Predetermined length of time making for a lack of spontaneity (11 responses); and (4) Poor television picture or audio reception and/or transmittal (10 responses). Kentucky legislators think that videoconferencing increases access to constituents, but reduces access to lobbyists, the media, and other legislators. Access to special interest groups would not change.

In response to the question “Should videoconferencing be limited during the interim?”, 53% said “yes”, 27% said “no”, and 20% did not respond. The top four proposed uses of videoconferencing during the interim were testimony of expert witnesses (41 responses), public viewing of meetings (31 responses), committee deliberations, including voting (14 responses), and committee deliberations, except voting (7 responses).

Fifty six percent of responses favored limiting videoconferencing by standing committees, while 27% favored no limits, and 17% did not respond.

In response to the question “Should the use of videoconferencing be expanded for interim and standing committees?”, 34% said yes to both, 32% said no to both, 19% had no opinion, 8% said “for the interim only”, 2% said “for standing only”, and 5% did not respond. Thirty five respondents did not favor using videoconferencing in chambers during Sessions, eight favored use for medical reasons only, eight favored use on an unlimited basis, seven favored use on a limited basis, five favored use if the legislator agrees to pay expenses incurred, and two did not respond.

Multistate Survey on the Use of Videoconferencing

All 50 state legislatures were surveyed to determine the extent of their usage of videoconferencing, and their satisfaction with videoconferencing as a means of conducting legislative meetings. (Appendix H) Two-thirds (33 out of 50) of the nation’s legislatures responded. About two-thirds of the state legislatures who responded have videoconferencing facilities or capabilities. Eight legislatures have a

videoconferencing room, eight have a portable system, 15 use facilities provided by another agency, and one contracts with an outside vendor. The top four uses of videoconferencing are: (1) Committee meetings involving state legislators (12 states); (2) Committee meetings involving witnesses testifying from a remote location (12 states); (3) Educational or training sessions (9 states); and (4) Public hearings (8 states). Videoconferencing is used primarily to reduce travel time, and to enable more people to participate.

No state surveyed permits voting by videoconference in chamber during Sessions, three permit voting in Session committee meetings, and eight permit voting in interim committee meetings. Although Nevada did not respond to the survey, it is known to have videoconferencing capability within its Senate and House Chambers, and it places no restrictions on its usage.

States responding have used videoconferencing for an average of three years, with a maximum of an eight year usage, and a minimum of five months. All states feel that videoconferencing provides more access between legislators and constituents, lobbyists, special interest groups, media, and other legislators. General satisfaction with videoconferencing is good, with only two states dissenting. Of the 12 states responding who do not have videoconferencing, only two plan to obtain videoconferencing capabilities. Only two states use Internet videoconferencing.

Note: The National Conference of State Legislatures has published an "NCSL Legisbrief" entitled Remote Voting in Legislatures. (Appendix I)

Formulating the Recommendations

After the demonstrations described above and the reporting and discussion of survey results, the Subcommittee on Teleconferencing began to focus on recommending a pilot project for the 2000-2001 interim of the Kentucky General Assembly. The Subcommittee realized that videoconferencing can be a valuable tool for state government but that there are some problems and concerns, both real and perceived, that will need to be addressed. Scheduling rooms at sites available to the Kentucky Tele-Linking Network may be difficult, due to the need for use of these facilities by our educational institutions. The cost savings are difficult to calculate without knowing the extent to which legislators will choose to utilize the remote locations. And, it may be a bit soon to expect all General Assembly members to embrace the concept of teleconferencing. Therefore, the Subcommittee formulated the recommendation of a suggested pilot project, as set out earlier in this report. It is hoped that the monitoring of this pilot project will give well reasoned guidance to the future use of videoconferencing by the Kentucky General Assembly.

Minutes from the six meetings of the Subcommittee on Teleconferencing can be obtained from the LRC Library, New Capitol Annex, Frankfort, KY 40601.

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APPENDIX A

98 RS BR 2772

IN SENATE

1998 REGULAR SESSION

SENATE RESOLUTION NO. 176

THURSDAY, MARCH 26, 1998

Senators J. Rose, Bailey, Blevins, Bradley, Buford, Harris, Herron, Leeper, Metcalf, Moore, Pendleton, Philpot, Robinson, E. Rose, Sanders, Scorsone, Stivers, Tori, Westwood and D. Williams introduced the following resolution which was ordered to be printed.

A RESOLUTION requesting the formation of a subcommittee of the Interim Joint Committee on State Government to study teleconferencing of legislative meeting and chamber activity.

WHEREAS, modern technology permits discussions and debates to be conducted through teleconferencing; and

WHEREAS, the time and expense required for legislators to regularly travel from their homes to Frankfort for interim committee meetings could be reduced by using video conference links among remote sites; and

WHEREAS, conditions that temporarily prevent a member from physically attending daily sessions of the Senate or House of Representatives need no longer prohibit full participation in floor debate and voting;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

- 1 Section 1. The Senate requests that the Interim Joint Committee on State
- 2 Government form a subcommittee to study the feasibility and cost-effectiveness of using
- 3 teleconferencing to conduct interim and standing committee meetings and session chamber
- 4 activities. The Senate further requests that the Committee report its findings and
- 5 recommendations to the Legislative Research Commission no later than September 1,
- 6 1999.

APPENDIX B

Revised 3/13/97

LRC POLICY ON INTRAMEMBERSHIP VIDEOCONFERENCED COMMITTEE MEETINGS PILOT PROJECT FOR THE CURRENT INTERIM

1. "Intramembership videoconferenced committee meeting (videoconferenced meeting)" means a meeting of a committee of the Legislative Research Commission where a quorum of the membership of the committee is disbursed between a minimum of two and a maximum of five meeting sites which are linked via videoconferencing technology.
2. "Committee" means the Legislative Research Commission; a committee or subcommittee of the Legislative Research Commission, or subcommittee thereof; or a committee or subcommittee within the legislative branch of government.
3. This policy does not restrict testimony via videoconferencing technology. The policy does not apply to committee meetings where the entirety of the attending membership is located at a single meeting site and the committee receives testimony or other information via videoconferencing technology.
4. A videoconferenced meeting shall be held among a maximum of five meeting sites which are linked via videoconferencing technology.
5. A committee is limited to two (2) videoconferenced meetings per interim, and a committee must receive approval of the Legislative Research Commission prior to conducting a videoconferenced meeting. Videoconferenced meetings approved for a subcommittee shall apply toward the limit of the parent committee, unless occurring on the same day as a videoconferenced meeting of the parent committee. Limitations on the number of videoconferenced meetings shall be distinct and separate from limitations on out-of-Frankfort meetings.
6. Written requests for videoconferenced meetings shall be directed from the committee co-chairs (or House co-chair and presiding Senate vice-chair) to the Legislative Research Commission. A request for a subcommittee videoconferenced meeting should be made by the co-chairs (or House co-chair and presiding Senate vice-chair) of the parent committee. Prior to submitting a written request, the committee co-chairs (or House co-chair and presiding Senate vice-chair) shall instruct LRC staff to complete the process by which coordination of the availability of proposed remote meeting sites and necessary access time on the Kentucky Tele-Learning Network (KTLN) is ensured. A request shall include:
 - Date and time of the proposed videoconferenced meeting;
 - Number and locations of remote site (non-Frankfort) meeting accommodations for proposed videoconferenced meeting;

- Identification of committee members proposed to attend each remote site meeting accommodation. Committee members not listed will be considered as planning to attend the Frankfort meeting site;
 - An indication that the availability of proposed remote meeting sites and necessary KTLN access time has been ensured; and
 - Number of prior videoconferenced meetings held by the committee, and subcommittees of the committee (if applicable), during current interim.
7. Subsequent to approval of a particular videoconferenced meeting by the Legislative Research Commission, adjustments to the number and location of remote site meeting accommodations, and the identification of committee members attending each remote site meeting accommodation may be made upon joint action of the co-chairs of the Legislative Research Commission, subject to availability of remote sites, participant capacity at remote sites, and availability of KTLN access time.
 8. LRC committee staff shall be present at the Frankfort meeting site of a videoconferenced meeting. Committee staff may also be present at any non-Frankfort remote meeting site attended by the presiding chair of the committee. An LRC committee secretary shall be present at the Frankfort meeting site of a videoconferenced meeting. Except as otherwise provided in this paragraph, LRC committee staff are not required to be present at non-Frankfort remote meeting sites of a videoconferenced meeting.
 9. Public notice of videoconferenced meetings shall be made in accordance with LRC rules. The notice shall include identification of the location of all meeting sites, members planning to attend each remote meeting site, and an indication of the capacity at each non-Frankfort remote meeting site for audience participants.

Notice provided by the LRC Public Information Office to the general public shall also include a statement indicating the following: that a proposed non-Frankfort remote meeting site will be deleted from the list of remote meeting sites if all committee members proposed to attend that remote meeting site cancel attendance plans; that committee meeting materials will not be available to audience participants at non-Frankfort remote meeting sites; and that the public may obtain current information regarding the status of any videoconferenced meeting by dialing the LRC Meeting Information Line.

10. All meeting sites of a videoconferenced meeting shall be open to the public, subject to capacity limitations for audience participants at each meeting site. This policy recognizes the fact that the needs of audience participants will be best served in regard to site capacities and availability of meeting materials through attendance at the Frankfort meeting site.
11. Meeting materials and correspondence shall be finalized and mailed to members planning to attend non-Frankfort remote meeting sites of a videoconferenced meeting

not less than seven days prior to the meeting date. Material and correspondence identified for committee consideration subsequent to such mailing may be included on the committee agenda at the discretion of the chair; however, the obligation to deliver such material to members attending a non-Frankfort remote meeting site is waived.

12. Travel vouchers shall be mailed to members planning to attend non-Frankfort remote meeting sites of a videoconferenced meeting not less than seven days prior to the meeting date.
13. During a videoconferenced meeting, the roll of the committee shall be called by meeting site, the names of the members at each site being called alphabetically. The roll of members attending the Frankfort meeting site shall be first called. The committee secretary shall designate the site location of each member in attendance.
14. During a videoconferenced meeting, the sense of the committee in regard to any motion shall be ascertained by way of roll call vote or motion carried without objection. Voice voting shall not be utilized.

APPENDIX C

CHAPTER 245

(HB 315)

AN ACT relating to open meetings of public agencies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 61.805 is amended to read as follows:

As used in KRS 61.805 to 61.850, unless the context otherwise requires:

- (1) "Meeting" means all gatherings of every kind, *including video teleconferences*, regardless of where the meeting is held, and whether regular or special and informational or casual gatherings held in anticipation of or in conjunction with a regular or special meeting;
- (2) "Public agency" means:
 - (a) Every state or local government board, commission, and authority;
 - (b) Every state or local legislative board, commission, and committee;
 - (c) Every county and city governing body, council, school district board, special district board, and municipal corporation;
 - (d) Every state or local government agency, including the policy-making board of an institution of education, created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act;
 - (e) Any body created by or pursuant to state or local statute, executive order, ordinance, resolution, or other legislative act in the legislative or executive branch of government;
 - (f) Any entity when the majority of its governing body is appointed by a "public agency" as defined in paragraph (a), (b), (c), (d), (e), (g), or (h) of this subsection, a member or employee of a "public agency," a state or local officer, or any combination thereof;
 - (g) Any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency, except for a committee of a hospital medical staff or a committee formed for the purpose of evaluating the qualifications of public agency employees, established, created, and controlled by a "public agency" as defined in paragraph (a), (b), (c), (d), (e), (f), or (h) of this subsection; and
 - (h) Any interagency body of two (2) or more public agencies where each "public agency" is defined in paragraph (a), (b), (c), (d), (e), (f), or (g) of this subsection;
- (3) "Action taken" means a collective decision, a commitment or promise to make a positive or negative decision, or an actual vote by a majority of the members of the governmental body; and
- (4) "Member" means a member of the governing body of the public agency and does not include employees or licensees of the agency.
- (5) *"Video teleconference" means one (1) meeting, occurring in two (2) or more locations, where individuals can see and hear each other by means of video and audio equipment.*

SECTION 2. A NEW SECTION OF KRS 61.800 TO 61.850 IS CREATED TO READ AS FOLLOWS:

- (1) *A public agency may conduct any meeting, other than a closed session, through video teleconference.*
- (2) *Notice of a video teleconference shall comply with the requirements of KRS 61.820 or 61.823 as appropriate. In addition, the notice of a video teleconference shall:*
 - (a) *Clearly state that the meeting will be a video teleconference; and*
 - (b) *Precisely identify the video teleconference locations as well as which, if any, location is primary.*
- (3) *The same procedures with regard to participation, distribution of materials, and other matters shall apply in all video teleconference locations.*
- (4) *Any interruption in the video or audio broadcast of a video teleconference at any location shall result in the suspension of the video teleconference until the broadcast is restored.*

Approved April 5, 1994

APPENDIX D



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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OAG 97-37

December 22, 1997

Subject: Whether state legislator may participate in session without being physically present

Requested by: Don Cetrulo, Director, Legislative Research Commission

Written by: Ross T. Carter

Syllabus: Legislator may not vote or otherwise participate in official capacity without being physically present

Statutes construed: Ky Const §§ 36, 37, 43

OAGs cited: OAG 83-8 (f)

Opinion of the Attorney General

We have been asked whether a legislator may participate in floor proceedings during a session by means of an interactive audio and video connection. The answer is no.

Our conclusion derives from two sources. First, although courts have had few occasions to address this issue, what little authority is available disfavors electronic participation in lieu of physical presence. In the absence of specific authorizing legislation, members of municipal legislative bodies may not vote by

telephone. *Fiscal Court of Jefferson County v Courier-Journal and Louisville Times Company*, Ky, 554 SW 2d 72 (1977); KRS 61.826. Although this point of law has never been examined in the context of the General Assembly, we see no reason why the courts would adopt a different view for legislation at the state level.

Second, three provisions of the state constitution contemplate actual physical presence at the seat of government during a session. Section 36 states:

[T]he General Assembly shall convene in regular session, and its sessions shall be held at the seat of government

Section 37 states:

Not less than a majority of the members of each House of the General assembly shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members in such manner and under such penalties as may be prescribed by law.

We have said that § 37, the quorum provision, requires that a member be actually present at the session in order to be counted for quorum purposes. OAG 83-8. The phrase “compel the attendance of absent members” implies that an actual presence is necessary.

Section 43 states:

The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance on the sessions of their respective Houses, and in going to and returning from the same

A constructive presence by audio or video connection is patently inconsistent with these provisions.

Although a member might listen to and view floor proceedings via audio-visual technology, as any other person, an absent member could not under any

circumstances be counted as part of a quorum, could not participate in the debate, and could not vote.

Albert B. Chandler III
Attorney General

Ross T. Carter
Assistant Attorney General

APPENDIX E

98 RS BR 1485

IN SENATE

1998 REGULAR SESSION

SENATE RESOLUTION NO. 21

MONDAY, JANUARY 12, 1998

Senators J. Rose, Blevins, Borders, Boswell, Bradley, Buford, Harris, Herron, Jackson, Johnson, Kafoglis, Karem, Kelly, Leeper, McGaha, Moore, Pendleton, Robinson, Sanders, Saunders, Seum, Shaughnessy, Stivers, Tori and D. Williams introduced the following resolution which was ordered to be printed.

A RESOLUTION amending the Senate Rules of Procedure.

WHEREAS, modern videoconferencing technology makes it possible for citizens to fully participate in business, educational, and governmental activities taking place in locations around the world; and

WHEREAS, Kentucky should maintain its tradition of citizen legislators by assuring that citizens who are, for health reasons, temporarily unable to travel to Frankfort shall be able to participate in the legislative process.

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

1 SECTION 1. A NEW RULE 67A OF THE SENATE RULES OF PROCEDURE
2 IS CREATED TO READ AS FOLLOWS:

3 **Rule 67A. Participation in committee by videoconferencing. A member of the**
4 **Senate shall be allowed to participate and vote via videoconferencing in all matters**
5 **before a Senate committee if the following conditions are met:**

6 **1. The member is experiencing a short-term physical condition, because of which**
7 **a physician states the member shall not travel from home or hospital. The member**
8 **shall file with the Rules Committee the physician's written statement verifying the**
9 **member's inability to travel; and**

10 **2. The member's illness or incapacity does not permit travel for at least one week**
11 **but not more than four weeks; and**

12 **3. The member pays all expenses related to implementing the videoconferencing**
13 **connection between the committee meeting rooms and the member's remote location;**
14 **and**

15 **4. The Rules Committee approves the member's request for implementation of a**
16 **videoconferencing connection.**

17 **If the Rules Committee approves the member's request to participate via**

1 videoconferencing, the Committee on Committees shall arrange for committees to
2 which the member belongs to meet in rooms equipped with videoconferencing
3 capability. If the only meeting room available is scheduled to be occupied by a
4 committee of the House of Representatives, the Committee on Committees shall make
5 a written request to the Clerk of the House, asking that arrangements be made to
6 exchange meeting rooms with the Senate committee which seeks to use the
7 videoconferencing room.

APPENDIX F

98 RS BR 857

IN SENATE

1998 REGULAR SESSION

SENATE BILL NO. 329

THURSDAY, FEBRUARY 19, 1998

Senators Julie Rose, Walter Blevins, Jr. and Robert Stivers introduced the following bill which was ordered to be printed.

AN ACT proposing an amendment to Section 46 of the Constitution of Kentucky relating to the consideration of legislation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. It is proposed that Section 46 of the Constitution of Kentucky be
2 amended to read as follows:

3 No bill shall be considered for final passage unless the same has been reported by a
4 committee and printed for the use of the members. Every bill shall be read at length on
5 three different days in each House, but the second and third readings may be dispensed
6 with by a majority of all the members elected to the House in which the bill is pending. But
7 whenever a committee refuses or fails to report a bill submitted to it in a reasonable time,
8 the same may be called up by any member, and be considered in the same manner it would
9 have been considered if it had been reported. No bill shall become a law unless, on its final
10 passage, it receives the votes of at least two-fifths of the members elected to each House,
11 and a majority of the members voting, the vote to be taken by yeas and nays and entered in
12 the journal: Provided, Any act or resolution for the appropriation of money or the creation
13 of debt shall, on its final passage, receive the votes of a majority of all the members elected
14 to each House. A member of the House or Senate who is unable to attend daily
15 legislative proceedings during a regular or extraordinary session of the General
16 Assembly because of a physician-certified temporary physical condition may
17 participate in legislative proceedings by means of a video conference link with the
18 General Assembly in a manner prescribed by the rules of each chamber, and, while
19 participating in legislative proceedings by video conference link, shall be counted as
20 being present, shall be allowed to make motions, and shall be allowed to vote on bills
21 under consideration.

22 Section 2. This amendment shall be submitted to the voters of the Commonwealth
23 for their ratification or rejection at the time and in the manner provided for under Sections
24 256 and 257 of the Constitution and under KRS 118.415.

APPENDIX G

SURVEY RESULTS

**Subcommittee on Teleconferencing
Interim Joint Committee on State Government
Survey of Kentucky Legislators on the Use of Videoconferencing**

For purposes of this survey, we defined “videoconferencing” as the “real-time audio and video communication between two or more people, or groups of people, in separate locations.”

1. How many times have you participated in videoconferencing?	Responses	Percent
A few times	26	44.07%
None	14	23.72%
Several Times	10	16.94%
Once	8	13.56%
No Response	1	1.69%
Q1-Totals	59	100%

2. In what capacity was your experience with videoconferencing? (Check any that apply)	Responses
Legislative	28
Professional	20
Personal	3
Scholastic	2
Other	3
No Response	11

3. In what situations have you used videoconferencing? (Check any that apply)	Responses
Committee meetings involving other legislators	18
Educational or training sessions	17
Committee meetings involving committee witnesses at a remote location	16
Public hearings	7
Networking with legislators in other states	5
Meetings with constituents	4
One-to-one discussions via computer linkage	4
Administrative meetings or planning sessions	4
Press conferences	1
Other	8
No Response	11

4. How effective was videoconferencing as a method of communication?	Responses	<u>Percent</u>
Somewhat effective	22	37.28%
No Response	15	25.42%
Very effective	13	22.03%
Not very effective	9	15.25%
Not at all effective	0	0.00%
Q4-Totals	59	100.00%

5. How would you rate your satisfaction with videoconferencing?	Responses	<u>Percent</u>
Somewhat satisfied	21	35.59%
Very satisfied	12	20.34%
Not very satisfied	9	15.25%
Not at all satisfied	2	3.38%
No Response	15	25.42%
Q5-Totals	59	100.01%

NOTE: Totals on question 6 reflect that some respondents checked more than three responses

6. What were the advantages of videoconferencing? (Check the 3 most important)	Responses
Reduced travel time	39
Provided for reduction in costs due to reduced travel time and lodging	31
Enable more people to participate in meetings	27
Brought together groups from diverse areas	24
Enabled participants to take education courses or training they could not get otherwise	12
Provide for shorter, better organized meetings	4
Allowed for rapid follow-up meetings	4
Provide for faster decision-making and quick access to resource people	2
Other	4
No Response	11

NOTE: Totals on question 7 reflect that some respondents checked more than three responses

7. What were the disadvantages of videoconferencing? (Check the 3 most important)	Responses
No eye-to-eye contact between participants	30
Loss of informal conversations, camaraderie	26
Predetermined length of time, making for a lack of spontaneity	11
Poor television picture or audio reception and/or transmittal	10
Costs associated with teleconference	9
Large number of people made it difficult to manage	8
Event too formal, leading to lack of flexibility	7
Increased support staffing needs, organization time	6
Poorly organized	3
Lack of clear and manageable goals	3
Other	3
No Response	17

8. Do you think videoconferencing legislative meetings would provide more or less access between legislators and the following groups: (Respond to each)	More	Less	No Response	Total
Constituents	27	21	11	59
Lobbyists	17	28	14	59
Special Interest Groups	24	24	11	59
Media	17	27	15	59
Other legislators	23	27	9	59
Other	3	9	47	59

9. Should the number of videoconferences conducted by each Interim Committee be limited to a certain number of meetings per interim? If yes, how many?	Responses	Percent
Yes	* 31	52.54%
No	16	27.11%
No Response	12	20.34%
Q9-Totals	59	100.00%

- * 12 Respondents answered yes, but limited to 0
- * 4 Respondents answered yes, but failed to specify a number
- * 4 Respondents answered yes, but limited to 1
- * 4 Respondents answered yes, but limited to 2
- * 3 Respondents answered yes, but limited to 1 or 2 times
- * 2 Respondents answered yes, but limited to 2 to 3 times
- * 1 Respondent answered yes, but limited to 4
- * 1 Respondent answered yes, but limited to half of the normal meetings

10. Should videoconferencing of Interim Committees be used primarily for: (Check any that apply)	Responses
Testimony of expert witnesses	41
Public viewing of meetings	31
Committee deliberations, including voting	14
Committee deliberations, except for voting	7
No Response	6

NOTE: Because of formatting problems, the results of Question # 11 may be unreliable

11. Should videoconferencing of Interim Committees be used: (Check any that apply)	Responses
When legislators are incapacitated in some manner	27
When legislators have a business or professional conflict	15
Anytime	15
When legislators need to save travel time	12
Never	9
Other	8
No Response	6

12. Should the number of videoconferences conducted by each Standing Committee be limited to a certain number of meetings during a session? If yes, how many?	Responses	Percent
Yes	* 33	55.93%
No	16	27.11%
No Response	10	16.95%
Q12-Totals	59	100.00%

- * 10 Respondents answered yes, but failed to specify a number
- * 9 Respondents answered yes, but limited to 0
- * 4 Respondents answered yes, but limited to 1
- * 4 Respondents answered yes, but limited to 2
- * 3 Respondents answered yes, but limited to 1 or 2 times
- * 2 Respondents answered yes, but limited to 2 to 3 times
- * 1 Respondent answered yes, but limited to 4

13. Should videoconferencing of Standing Committees be used primarily for: (Check any that apply)	Responses
Testimony of expert witnesses	42
Public viewing of meetings	28
Committee deliberations, including voting	15
Committee deliberations, except for voting	8
No Response	7

NOTE: Because of formatting problems, the results of Question # 14 may be unreliable

14. Should videoconferencing of Standing Committees be used: (Check any that apply)	Responses
When legislators are incapacitated in some manner	26
Anytime	13
Never	11
Legislators have a business or professional conflict	9
When legislators need to save travel time	6
Other	5
No Response	8

15. Do you think KY General Assembly should expand use of videoconferencing for Interim and Standing Committee meetings? (Check one)	Responses	Percent
Interim and Standing	20	33.90%
Neither	19	32.20%
Interim only	5	8.47%
Standing only	1	1.69%
No opinion	11	18.64%
No Response	3	5.09%
Q15 Totals	59	100.00%

16. Do you think videoconferencing should be used in the chambers during session? (Check any that apply)	Responses
No	35
Yes, for medical reasons only	8
Yes, on an unlimited basis	8
Yes, on a limited basis	7
Yes, but only if legislator agrees to pay expenses incurred	5
Other	3
No Response	2

APPENDIX H

MULTISTATE SURVEY RESULTS

**Subcommittee on Teleconferencing
Interim Joint Committee on State Government
Survey of Other State Legislators on the Use of Videoconferencing**

For purposes of this survey, we defined “videoconferencing” as the “real-time audio and video communication between two or more people, or groups of people, in separate locations.”

1. Does your state legislature have videoconferencing facilities or capabilities?	Yes	No	No Response	Total
Responses	21	11	1	33
Percentage	64%	33%	3%	100%

If no, skip to question 13

2. If yes, what type of system do you have?	V-Tel	Picture Tel	Other	No Response	Total
Responses	3	5	3	10	21

3. Does your state legislature have:	Yes	No	Total
a. A room dedicated to videoconferencing	8	8	16
b. A portable system (moves from room to room)	8	8	16
c. Facilities provided by another agency	15	2	17
d. Contract with a public vendor to provide services	1	14	15

4. Do you use videoconferencing for (Check all that apply):	Count
b. Committee meetings involving your state legislators	12
c. Committee meetings involving committee witnesses at a remote location	12
e. Educational or training sessions	9
h. Public hearings	8
f. Meetings with constituents	5
i. Administrative meetings or planning sessions	5
j. Other	4
d. Communicating with legislators in other states	3
a. Legislative sessions in Chambers	1
g. Press conferences	1

5. Is the use of videoconferencing authorized?	Yes	No	No Response	Total
Responses	13	4	4	21
Percent	62%	19%	19%	100%

5a. If yes, how?	Responses
Operating rule	5
By presiding officer	2
No specific statutes	3
As needed	1
Implied	1

6. Is videoconferencing primarily used to:(Check all that apply):	Responses
Reduced travel time	15
Enable more people	11
Provided for reduction in costs	6
Provide for faster decision-making	5
Enabled participants to take education courses	5
Provide for shorter, better organized meetings	2
Provide for rapid follow-up meetings	2
Other	1

7. How long has your legislature used videoconferencing?	Responses
5 mos.	1
1 yr	2
2 yrs	4
3 yrs	3
4 yrs	1
8 yrs	2
Other	3

8. Are your members permitted to vote by videoconferencing technology?	Yes	%	No	No %	No Response	%	Total
a. In Chamber Sessions	0	0%	15	71%	6	29%	21
b. In Session Committee Mtgs.	3	14%	10	48%	8	38%	21
c. In Interim Committee Mtgs.	8	38%	8	38%	5	24%	21

9. Do you have videoconferencing capabilities within House or Senate chambers?	Yes	No	No Response	Total
	1	17	3	21

10. If your state legislature uses videoconferencing in the Chambers, is it limited to: (Check all that apply):	Responses
a. Medical reasons only	0
b. Legislator agrees to pay the expenses incurred	0
c. Number of times it can be used	0
d. Other (please explain)	0
e. No limitations	1
f. Videoconferencing not used	3

11. Does videoconferencing provide more or less access between legislators and the following groups?	More Access	Less Access	No Change	No Response	Total
Constituents	8	0	3	10	21
Lobbyists	5	0	5	11	21
Special Interest Groups	8	0	3	10	21
Media	5	0	4	12	21
Other legislators	4	0	5	12	21
Other	3	0	4	14	21

12. How would you rate the general satisfaction with videoconferencing?	Number
Not at all effective	1
Not very effective	1
Somewhat effective	11
Very effective	3
Not applicable	1
No Response	4

13. If no to Q1, are there plans to obtain videoconferencing capabilities?	Yes	No	No Response	Total
Responses	2	9	1	12
Percent	17%	75%	8%	100%

If yes, do you plan any of the following:				
a. A room dedicated to videoconferencing	2	9	1	12
b. A portable system (moves from room to room)	2	9	1	12
c. Facilities provided by another agency	1	10	1	12
d. Contract with a public vendor to provide services	0	11	1	12

Note: Question 13 only measures the responses of those that currently do not have videoconferencing.

14. Do you use Internet videoconferencing?	Yes	No	No Response	Total
Responses	2	30	1	33
Percent	6%	91%	3%	100%

15. If yes, what type of software package do your legislators use for Internet videoconferencing?	Number
Microsoft NetMeeting	0
Lucent Technologies	0
White Pine	0
Other	2

16. How do you use this (internet videoconferencing) technology: (Check all that apply)	Number
Committee meetings involving other state legislators	1
Committee meetings involving committee witnesses at remote location	0
Communicating with legislators in other states	1
Educational or training sessions	0
Meetings with constituents	1
Press conferences	0
Public hearings	0
Administrative meetings or planning sessions	0
Other	0

17. Have your open meetings statutes or policies been changed to address the issues?	Yes	No	Not Applicable	No Response	Total
Number	3	14	3	1	21
Percent	14%	67%	14%	5%	100%
Note: Question 17 only measures the responses of those that currently have videoconferencing.					

18. How does your state legislature broadcast the following? (Check all that apply)	Interim Committee Meetings	Session Committee Meetings	Chamber Sessions
Cable Television	3	5	8
Public television	1	5	8
Radio	0	1	1
Closed Circuit (radio)	1	2	2
Closed Circuit (TV)	3	5	6
Internet	4	6	8
Do not broadcast	18	16	10

APPENDIX I

NCSL · LEGISBRIEF

August/September 1999

Vol. 7, No. 31

REMOTE VOTING IN LEGISLATURES

By Brenda Erickson

Remote voting refers to the ability of a legislator to vote when he is not present.

The definition of "remote voting" varies depending upon the context in which it is used. The legislative perspective is being taken for this report, and remote voting refers to the ability of a legislator to vote when he is not present in committee or on the chamber floor. Voting by pairs, proxy, telephone, teleconference, video conference or computer link are examples of remote voting methods. Most commonly, paired voting takes place when two legislators, one of whom will be absent, arrange in writing to cast votes on opposite sides of a measure.

Remote voting provides flexibility.

Lawmakers split their time between personal and legislative duties. They divide their legislative time between their districts and the Capitol. While at the Capitol, legislators attend committees, caucuses and floor sessions; prepare legislation; meet with constituents, staff, lobbyists and others; and respond to correspondence and telephone calls. Remote voting provides flexibility to lawmakers when multiple duties call. It also:

- Allows an absent member to have her position recorded on an issue.
- Saves time.
- Reduces per diem and travel costs.

For example, a legislator who has a family or health emergency would be able to participate. Members from distant locations could work in committee without traveling to the state capital. And polling allows a committee to act quickly without a formal meeting.

The main concern about remote voting centers on the integrity of the process.

The main concern about remote voting centers on the integrity of the process. There should be a way to verify that only the authorized senator or representative is casting a vote. Requiring a member's physical presence creates a comfort level that this procedural standard is being observed. Other concerns are that remote voting:

- Causes confusion among the general public.
- Deprives the public of the opportunity to witness debate and voting.
- Diminishes the importance of committee meetings or session.
- Reduces the incentive to attend committee meetings or session.
- Undermines the whole foundation of collegial interaction.
- Eliminates the benefits of hearing testimony and debate.
- Reduces the thoroughness of debate.
- Deprives members of the written materials available at a meeting or session.
- Increases the opportunity for voting errors.
- Could be used to circumvent open meetings laws.

The National Conference of State Legislatures surveyed the states and searched chamber rules to find out which, if any, remote voting methods are used by legislatures. Survey responses and search results are the basis for this report. Therefore, not all chambers are represented.

Remote voting is prohibited by 46 legislative assemblies.

Remote voting is prohibited both in committee and on floor action by 46 legislative assemblies. In fact, many have chamber rules that specifically require members to be present to vote.

Typically, only two forms of remote voting occur during floor sessions—paired and proxy.

Twenty-two chambers use one of these two methods. The Montana House permits an absent member to vote by signed form.

Allow Paired Voting on the Floor

Alabama Senate and House	Maine Senate	South Carolina Senate
Arkansas Senate and House	Mississippi Senate	Texas Senate and House
Connecticut Senate	Montana Senate	Virginia Senate
Florida Senate and House	New Hampshire Senate	West Virginia Senate and House
Idaho Senate and House	North Carolina Senate	Wisconsin Assembly

Allow Proxy Voting on the Floor

Florida House	Pennsylvania Senate
---------------	---------------------

Committees have more flexibility to use remote voting methods than occurs on the floor. Voting by pairs, proxy, telephone, teleconference and video conference are the most common methods. Allowed are:

Committees have more flexibility to use remote voting methods than occurs on the floor.

Paired Voting in Committees

Alabama Senate	Mississippi Senate	Virginia Senate
Arkansas Senate	Texas Senate and House	West Virginia House

Proxy Voting in Committees

Indiana House	Montana House	South Carolina Senate
Maine Senate	Pennsylvania Senate and House	Virginia Senate
Missouri House		

Telephone

Iowa Senate	Maine House
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Teleconference

Iowa Senate	Nebraska Senate	North Dakota Senate and House
Kansas House	Nevada Senate	Oregon House

Video Conference

Iowa Senate	Nebraska Senate	Oregon House
Kentucky Senate	North Dakota Senate and House	Wisconsin Assembly

Several chambers use other means. The Maine House permits an absent member to vote up to 48 hours after a committee meeting. A committee in the Montana Senate may authorize a member to vote in absentia. In the Washington Senate, if a majority of the members present in committee vote a bill out, the absent senators may sign the report to reach a majority of the full committee. Committees in the Wisconsin Senate may poll their members; the polled votes may be gathered by paper ballot or by telephone.

Several chambers use other means.

Contact for More Information

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